

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

HORTON HOMES, INC.,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.
)	2:07-CV-506-MEF
)	
LAURE BANDY, MARIE BANDY,)	
PATRICK PRITCHETT, WILLIAM)	
SHANER, ELSIE FONDREN)	
AVERETTE, WILLIAM CRUTHIRDS,)	
SHERRIE CRUTHIRDS, LARRY C.)	
MCCULLOUGH, AND ROBERT)	
JEROME TEAL, III,)	
)	
Defendants.)	
)	

OBJECTION OF PLAINTIFF HORTON HOMES, INC. TO
AUGUST 14, 2008 "MEMORANDUM OPINION AND
ORDER" PURSUANT TO FED. R. CIV. P. 72

COMES NOW Plaintiff Horton Homes, Inc. ("Plaintiff Horton Homes") and, pursuant to Fed. R. Civ. P. 72, files its objection to the August 14, 2008 "Memorandum Opinion and Order" [Doc. # 94] (the "Memorandum Opinion"), as follows:

On August 14, 2008, Magistrate Judge Coody issued the Memorandum Opinion and Order [Doc. # 94] (the "Memorandum Opinion") in which he found, *inter alia*, that the determinations of "[w]hether H&S Homes is an alter ego of Horton Homes, and whether Horton entities have lost their independent corporate

identities are not limited to some particular point in time". (Memorandum Opinion, p. 6 n.1.) Pursuant to Fed. R. Civ. P. 72, Plaintiff Horton objects to the Memorandum Opinion to the extent that it permits the consideration of any evidence dated after July 10, 2001 with respect to the alter ego defense that Defendants have asserted in this action. As grounds for this Objection, Plaintiff Horton incorporates by reference its "Motion (i) in Limine to Exclude Evidence Related to Alter Ego After July 10, 2001, or (ii) in the Alternative, for a Ruling Pursuant to Fed. R. Evid. 104(a) on the Time Period of Evidence That Can Be Admitted with Respect to Defendants' Alter Ego Defense" [Doc. # 96] and the related supporting Brief [Doc. # 97].

Dated this 22nd day of August, 2008.

By: /s/ Thomas C. Grant
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Co-Counsel for Plaintiff Horton Homes, Inc.

CERTIFICATE OF SERVICE

This is to certify that on this date the undersigned has filed using the CM/ECF system a true and correct copy of "Objection of Plaintiff Horton Homes, Inc. to August 14, 2008 Memorandum and Order Pursuant to Fed. R. Civ. P. 72" on the following parties and has served the following via the CM/ECF system:

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Dated this 22nd day of August, 2008.

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